

WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
JOSEPH R. MESERVY, ESQ.
Nevada Bar No. 14088
BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031
Telephone: (702) 870-3940
Facsimile: (702) 870-3950
E-Mail: bpruitt@lvnvlaw.com
Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD O'BRINGER, individually,

Plaintiff,

vs.

PROGRESSIVE CASUALTY INSURANCE
COMPANY dba PROGRESSIVE; DOES I through
X, inclusive; and ROE BUSINESS ENTITIES I
through X, inclusive; jointly and severally,

Defendants.

Case No: 2:23-cv-00100-RFB-EJY

**STIPULATION AND ORDER FOR FRCP
35 EXAMINATION OF PLAINTIFF**

DATE: May 13, 2024

TIME: 2:00 pm

Defendant PROGRESSIVE CASUALTY INSURANCE COMPANY, and Plaintiff
RICHARD O'BRINGER, hereby stipulate that the FRCP 35 examination of Plaintiff will be
conducted by Reynold L. Rimoldi, MD, on May 13, 2024 at 2:00 pm at Nevada Orthopedic & Spine
Center, located at 7455 West Washington Ave., Suite 160, Las Vegas, Nevada 89128. Plaintiff is to
arrive for the Rule 35 examination by 1:30 pm and will bring his ID.

The parties further stipulate to the Rule 35 Examination Ground Rules as follows:

1. No other physician, surgeon, or chiropractor shall be present during the examination other than the designated, examining physician, Reynold L. Rimoldi, MD;
2. The examination shall be limited exclusively to those physical conditions of Plaintiff that are in controversy in this particular action and the field of expertise in which the examining physician practices;
3. Plaintiff shall not provide medical histories unrelated to the areas of injuries claimed in this lawsuit for which the examining physician is examining Plaintiff. However, this shall not preclude Dr. Rimoldi from asking questions related to causation;

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4. Liability questions may not be asked by the examining physician or any agent or representative of the examining physician, and no opinions with respect to liability for the underlying accident are to be expressed. However, this shall not preclude Dr. Rimoldi from asking questions related to causation;
5. No x-rays, CT scans, MRIs, diagnostic testing, or invasive testing shall be performed on Plaintiff or obtained in the course of this examination;
6. Only defense counsel—not Plaintiff—is responsible for providing any and all medical records and/or films to the examining physician;
7. No mental or psychological examinations of Plaintiff shall be allowed during the Rule 35 examination with Dr. Rimoldi;
8. The examining physician shall not contact any of Plaintiff's treating health care providers to discuss the case;
9. No *sub rosa* video will be performed on the day of the examination;
10. All paperwork to be completed by Plaintiff shall be provided to Plaintiff's counsel prior to the examination;
11. The examining physician shall not request that Plaintiff complete any additional paperwork at the examination location. However, he will be required to present valid Identification, and he shall bring the completed forms with him to the examination;
12. The physician designated by Defendant to perform the Rule 35 examination shall be provided with a copy of these terms and conditions prior to the examination;
13. Defendants shall produce a copy of the agreed upon examining physician's report to Plaintiff's counsel within thirty (30) days of the examination. Dr. Rimoldi requires 60 days to produce his full report with his opinions, and this has been agreed upon by the parties. Defendant shall comply with NRCP 35 and 26 concerning disclosure of the report. These documents include, but are not limited to the following:
 - a. A copy of a detailed written report setting forth the history, examination, findings, tests performed, all diagnoses, all prognoses, and all conclusions of the examining physician; and
 - b. All records reviewed.

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14. Plaintiff shall not pay or incur any fee unless Plaintiff fails to appear without good cause; and,

15. The exam shall be completed within two (2) hours of the scheduled start time of the exam.

DATED: April 30, 2024

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RICHARD HARRIS LAW FIRM

BARRON & PRUITT, LLP

By: /s/ Clark Seemiller
CLARK SEEGMILLER, ESQ.
Nevada Bar No. 3873
801 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

By: /s/ William H. Pruitt
WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Defendant

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: April 30, 2024

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